

## 21 C.J.S. Courts § 212

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### Courts

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### VI. Rules of Adjudication, Decisions, and Opinions

#### B. Stare Decisis

##### 2. Courts Making Prior Decision

§ 212. Federal decisions as precedents in state courts on state law matters—Similarly worded federal and state laws

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Courts](#) 97(1), 97(4), 97(6)

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When federal and state law are similar, the court looks to federal authority interpreting a particular law as an aid in applying the comparable state law.<sup>1</sup> This principle applies to civil procedural rules as well.<sup>2</sup> Similarly, a federal decision is strongly persuasive as authority when a state court construes a provision of the state constitution that is similar to a provision of the Federal Constitution<sup>3</sup> though the federal case law is not absolutely binding.<sup>4</sup> Thus, when interpreting similarly worded provisions in the state constitution, the state supreme court often relies on federal authority to inform its analysis even though the outcome may be different.<sup>5</sup> However, when the language of a state statute is clear and the statute can be interpreted and enforced as written, there is little need to consider or follow the federal courts' interpretation of similar federal provisions.<sup>6</sup> State courts are free to find greater protection under a state constitution than is afforded under the Federal Constitution as interpreted by the United States Supreme Court.<sup>7</sup> Cases that involve the United States Supreme Court's supervisory capacity over federal courts are not binding on state courts and do not limit the state courts' power to employ more stringent standards.<sup>8</sup> Since the principles dealing with appeals within the federal court system are not necessarily based on any constitutional principle, the states are free to follow or disregard them so long as the state procedure as a whole remains consistent with due process.<sup>9</sup> State courts are not bound by federal rules of justiciability even when they address issues of federal law.<sup>10</sup> However, when federal and state

rules are virtually identical, a federal court's interpretation of the federal rule provides helpful guidance to the state court when it analyzes the state rule.<sup>11</sup>

## CUMULATIVE SUPPLEMENT

### Cases:

While generally Colorado courts may find persuasive federal case law interpreting rules that are analogous to Colorado's rules, Colorado courts are not bound to interpret procedural rules in the same way that the United States Supreme Court or federal courts interprets its rules. [People v. Medina, 2021 COA 124, 501 P.3d 834 \(Colo. App. 2021\)](#).

Federal cases interpreting the Federal Rules of Civil Procedure are strong persuasive authority, because the Nevada Rules of Civil Procedure are based in large part upon their federal counterparts. [Torremoro v. Eighth Judicial District Court in and for County of Clark, 512 P.3d 765, 138 Nev. Adv. Op. No. 54 \(Nev. 2022\)](#).

In deciding voluntariness of a confession under the State Constitution, the Supreme Court would reference federal cases concerning voluntariness under the Federal Constitution, which provided less protection, only to aid the Court's analysis. [U.S. Const. Amend. 5; N.H. Const. pt. 1, art. 15. State v. Hinkley, 265 A.3d 1 \(N.H. 2021\)](#).

When a state rule is derived from a corresponding federal rule, the federal courts' interpretation of the federal rule may be persuasive authority when interpreting the state rule. [State v. Rodriguez, 2022 ND 102, 974 N.W.2d 368 \(N.D. 2022\)](#).

When a state evidentiary rule mirrors the federal rule, the court looks to decisions of federal courts for guidance in interpreting the state rule. [State v. Mulcahey, 219 A.3d 735 \(R.I. 2019\)](#).

Where state rules are sufficiently similar to federal rules, Supreme Court considers federal decisions interpreting them persuasive. [Hilyard v. State, 2023 WY 13, 523 P.3d 936 \(Wyo. 2023\)](#).

## [END OF SUPPLEMENT]

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### Footnotes

1 Ill.—[City of Des Plaines v. Metropolitan Alliance of Police Chapter No. 240, 2015 IL App \(1st\) 140957, 391 Ill. Dec. 328, 30 N.E.3d 598 \(App. Ct. 1st Dist. 2015\)](#), appeal denied, [396 Ill. Dec. 174, 39 N.E.3d 1000 \(Ill. 2015\)](#).

2 In re Tobacco II Cases, 46 Cal. 4th 298, 93 Cal. Rptr. 3d 559, 207 P.3d 20 (2009) (class-action rules).

Haw.—[Ralston v. Yim, 129 Haw. 46, 292 P.3d 1276 \(2013\)](#).

Ohio—[Stammco, L.L.C. v. United Tel. Co. of Ohio, 136 Ohio St. 3d 231, 2013-Ohio-3019, 994 N.E.2d 408 \(2013\)](#) (class-action rules).

Wyo.—[In re Guardianship of Bratton, 2014 WY 87, 330 P.3d 248 \(Wyo. 2014\)](#).

3 U.S.—[Flood v. Bank of America Corp., 780 F.3d 1 \(1st Cir. 2015\)](#) (Maine Human Rights Act (MHRA)); [Eagle v. Hurley Medical Center, 292 F.R.D. 466 \(E.D. Mich. 2013\)](#) (Michigan Persons with Disabilities Civil Rights Act (PDCRA)).

Ala.—[Ryan v. Patterson](#), 23 So. 3d 12 (Ala. 2009) (class certification).

Colo.—[People v. Dunaway](#), 88 P.3d 619 (Colo. 2004).

Ill.—[People v. Emerson](#), 189 Ill. 2d 436, 245 Ill. Dec. 49, 727 N.E.2d 302 (2000).

N.C.—[Department of Transp. v. Rowe](#), 353 N.C. 671, 549 S.E.2d 203 (2001).

4 Cal.—[DVD Copy Control Ass'n, Inc. v. Bunner](#), 31 Cal. 4th 864, 4 Cal. Rptr. 3d 69, 75 P.3d 1 (2003), as modified, (Oct. 15, 2003).

Ill.—[People v. Emerson](#), 189 Ill. 2d 436, 245 Ill. Dec. 49, 727 N.E.2d 302 (2000).

Ind.—[Holder v. State](#), 847 N.E.2d 930 (Ind. 2006).

Iowa—[State v. McCoy](#), 692 N.W.2d 6 (Iowa 2005).

N.C.—[Department of Transp. v. Rowe](#), 353 N.C. 671, 549 S.E.2d 203 (2001).

5 Ind.—[Wallace v. State](#), 905 N.E.2d 371 (Ind. 2009).

6 Tenn.—[Knox County ex rel. Environmental Termite & Pest Control, Inc. v. Arrow Exterminators, Inc.](#), 350 S.W.3d 511 (Tenn. 2011).

7 Idaho—[CDA Dairy Queen, Inc. v. State Ins. Fund](#), 154 Idaho 379, 299 P.3d 186 (2013).

Mont.—[State v. Hardaway](#), 2001 MT 252, 307 Mont. 139, 36 P.3d 900 (2001).

S.D.—[State v. Schwartz](#), 2004 SD 123, 689 N.W.2d 430 (S.D. 2004).

Tenn.—[Van Tran v. State](#), 66 S.W.3d 790 (Tenn. 2001).

8 Del.—[Filmore v. State](#), 813 A.2d 1112 (Del. 2003).

9 U.S.—[Fletcher v. Weir](#), 455 U.S. 603, 102 S. Ct. 1309, 71 L. Ed. 2d 490 (1982).

**Interpretation of rules on interlocutory appeals**

U.S.—[Johnson v. Fankell](#), 520 U.S. 911, 117 S. Ct. 1800, 138 L. Ed. 2d 108 (1997).

10 U.S.—[Virginia v. Hicks](#), 539 U.S. 113, 123 S. Ct. 2191, 156 L. Ed. 2d 148 (2003).

11 Tenn.—[Walsh v. State](#), 166 S.W.3d 641 (Tenn. 2005).